

REMARKS

Claims 31-34, 36-43 and 45-55 are pending. By this Amendment, claims 41 and 46 are cancelled, claims 31, 42-43, 47, 51 and 54 are amended and no new claims are added.

Applicant acknowledges with thanks the allowance of claims 54 and 55 and the indication of allowable subject matter in claims 40, 41, and 47-49.

Specification

The Office Action contains a passage referring to an objection to the specification description of the elected species embodiments, although no indication is given on the Office Action Summary of any objection to the specification. In addition, this passage appears to be taken verbatim from the previous Office Action of April 3, 2006. This objection was intended to be addressed by the specification amendment on page 2 of Applicant's Amendment of June 30, 2006, and Applicant is unclear as to what additional description is requested. Should further amendment to the specification be necessary to address the objection, the Examiner is respectfully requested to indicate with more specificity the scope of the requested amendment in light of that already provided.

Claim Rejection Under 35 U.S.C. § 112, ¶ 1

Claim 42 was rejected as failing to comply with the written description requirement in that it was said that the term "means" used in connection with the recited "means for locking the tapered spindle to the tapered bore" is not explicitly recited in the original specification and that therefore its inclusion in the claims constitutes new matter. Applicant respectfully traverses this rejection.

Applicant refers the Office to Atmel Corp. v. Information Storage Devices, Inc., 198 F.3d 1374, 1380, 53 USPQ2d 1225 (Fed. Cir. 1999) in which it is held that the written description does not have to explicitly describe the structure corresponding to a means plus-function limitation. Rather, if it would have been clear to those skilled in the art what structure must perform the function recited in the means-plus-function limitation, then the limitation is adequately supported in the specification for purposes of 35 U.S.C. § 112. Id.

Applicant submits that based on the totality of the disclosure in the instant specification, it would be clear to one of skill in the art that the recited elements are “locked” together by adjusting the friction between the tapered spindle and the tapered bearing such that those elements are themselves “locked together” by friction. Hence, the recited “means for locking the tapered spindle to the tapered bore” clearly includes those elements enabling friction adjustment between the tapered spindle and the tapered bore, in particular the adjustment screw.

In view of the foregoing, Applicant respectfully submits that the subject rejection is improper. Nevertheless, solely to advance prosecution and without acquiescence in the rejection, the subject limitation has been deleted from the claim. As a consequence, Applicant submits that the rejection is now moot and requests its withdrawal.

Claim Rejections Under 35 U.S.C. § 112, ¶ 2

Claims 31-55 were rejected as indefinite in view of the recitation of “a wall mount” in line 4 of each independent claim 31, 42, and 54. In response, Applicant has amended each of the independent claims to instead refer to the previously recited wall plate as suggested by the Examiner. As a result, Applicant respectfully submits these rejections are overcome.

Claim Rejections Under 35 U.S.C. § 102

Claims 31-34, 36-39, 42, 43, 45, 46, and 50-53 were rejected under 35 U.S.C. § 102(b) by Meeuwissen '308. Claim 31 was amended in accordance with the suggestion of the Examiner to include the indicated allowable subject matter of claim 40, and as a consequence, Applicant submits this rejection is mooted with respect to claims 31-34, 36-39, and 41. With regard to the remaining claims, Applicant respectfully traverses this rejection and requests that it be withdrawn.

Meeuwissen '308 does not disclose all elements of the claimed invention. Although the Office characterizes element 25 Meeuwissen '308 as equivalent to the claimed tapered spindle, element 25 is in fact an "expander" which simply acts to force the "half members 26a, 26b", laterally outward toward tubular member 24 so as to adjust rotating friction between the outer surfaces of the half members and the inner surface of the tubular member. Neither the outer surfaces of the half members nor the inner surface of the tubular member are tapered. Moreover, element 25 cannot rotate within the half members because it is square in cross-section.

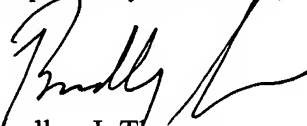
In contrast, in the claimed invention, the tapered spindle rotates within and directly frictionally contacts the inner surface of the tapered bore. Friction is adjusted by shifting the tapered spindle axially within the tapered bore so as to wedge the tapered spindle more or less tightly within the tapered bore.

In that Meeuwissen '308 does not teach or suggest the structure or functioning of the claimed invention, it cannot anticipate or render it obvious. Nevertheless, solely to advance prosecution and without any waiver or disclaimer of subject matter, Applicant has amended claim 42 to clarify these aspects of the claimed invention. In view of the discussion above and these amendments, Applicant respectfully submits that claims 42, 43, 45 and 50-53 define over Meeuwissen '308 and requests that the rejections be accordingly withdrawn.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Bradley J. Thorson', written over a horizontal line.

Bradley J. Thorson
Registration No. 52,288

Customer No. 24113
Patterson, Thunte, Skaar & Christensen, P.A.
4800 IDS Center
80 South 8th Street
Minneapolis, Minnesota 55402-2100
Telephone: (612) 349-5756